

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Entries, Subscriptions, and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1413
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1413.140	Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Emergency Amendment: April 4, 2011
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they are to expire: The emergency rulemaking will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department:
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Illinois Racing Board's central office and is available for public inspection.
- 9) Reason for Emergency: This section was amended in 2008 as an experiment. The thoroughbred stakeholders (Arlington Park, Hawthorne Race Course and the Illinois Thoroughbred Horsemen's Association) request this emergency amendment because the experiment has not proven to reduce late scratches and increase field size as originally intended. The current rule has negatively impacted the horse's eligibility to re-enter a race and run. Horses that are placed on the veterinarian's list are not eligible to run for seven days. This has reduced field size which reduces handle, purses, track commissions, and state revenue. Emergency rulemaking is necessary because Hawthorne Race Course and Fairmount Park are currently running their thoroughbred meets and Arlington Park will start its 2011 race meet on May 6th.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking allows late owner scratches down to eight entries without a reason and permits scratches below eight entries if the stewards receive either a note from a licensed veterinarian establishing a medical excuse or if a request is received by the stewards from the Racing Secretary to fill a race. The thoroughbred stakeholders and the Board believe that this proposed rulemaking will reduce the number of scratches and increase field size.
- 11) Are there any proposed amendments pending on this Part: No

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- 12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 13) Information and questions regarding these emergency amendments shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 7-701
Chicago, Illinois 60601

(312) 814-5017

The full text of the Emergency Amendment begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1413

ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section

1413.10	Registration with Jockey Club
1413.20	Registration Rules
1413.30	Eligibility
1413.40	How Entries are Made
1413.42	Number of Entries
1413.44	48 or 72 Hour Entries
1413.46	Also Eligibles Under 48 or 72 Hour Rule
1413.48	Uncoupled Entries
1413.50	Racing Secretary Receives Entries
1413.60	Supervision of Entries
1413.70	When Entries Close
1413.75	Limitation on Purse Reductions
1413.80	Closing in Absence of Conditions
1413.90	Entry by Telegraph
1413.100	List of Entries
1413.110	Limitations on Entries
1413.114	Coupled As Entry
1413.118	Further Definition of Coupling (Repealed)
1413.120	Riders Designated
1413.130	Carding Purse and Handicap Races
1413.134	Race Fails to Fill
1413.138	Substitute and Extra Races
1413.140	Right to Declare Out

EMERGENCY

1413.150	Number of Entries
1413.160	Fee to Enter
1413.170	Refunds
1413.180	Error in Entry
1413.190	Irrevocable Declaration
1413.200	Notice of Declaration

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1413.210	Entry of Unfit Horse
1413.220	Refusal for Inconsistency
1413.230	Horse Ineligible
1413.240	Who May Enter
1413.250	Medical Reasons for Ineligibility
1413.260	Sweepstakes Entries
1413.265	Receipt for Nomination
1413.270	Previous Engagements
1413.280	Transfer of Engagements
1413.290	Transfer of Sweepstakes Engagements
1413.300	Jockey Club Certificates
1413.305	Transfer of Jockey Club Certificate
1413.310	Number of Races in a Day

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974 amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; amended August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. 11612, effective July 7, 1994; amended at 18 Ill. Reg. 17749, effective November 28, 1994; amended at 24 Ill. Reg. 7394, effective May 1, 2000; amended at 24 Ill. Reg. 12725, effective August 1, 2000; amended at 25 Ill. Reg. 178, effective January 1, 2001; amended at 25 Ill. Reg. 15608, effective December 1, 2001; amended at 26 Ill. Reg. 12367, effective August 1, 2002; amended at 31 Ill. Reg. 8530, effective June 1, 2007; amended at 32 Ill. Reg. 10165, effective July 1, 2008; amended by emergency rulemaking at 35 Ill. Reg. _____, effective April 4, 2011, for a maximum of 150 days.

Section 1413.140 Right to Declare Out **EMERGENCY**

- a) In purse races and overnight handicaps, with more than eight interests, owners shall have the right to declare out to that number before the time stipulated by the

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regulations of the operator on the day of the race; When more than one owner expresses the desire to declare out, the right to declare out shall be determined by lot. ~~owner~~ Declarations below eight interests may only be made by permission of the Stewards ~~for reasonable cause or~~ when a note from ~~the a~~ a licensed veterinarian licensed by the Board establishes a medical reason to excuse the horse from the race or when there is a request from the Racing Secretary to fill a race. The also eligibles shall have the preference to scratch over regularly carded horses.

- b) In purse races and overnight handicaps moved off the turf with more than eight interests, owners shall have the right to declare out to that number before the time stipulated by the regulations of the operator on the day of the race. When more than one owner expresses the desire to declare out, the right to declare out shall be determined by lot. Declarations below eight interests may only be made by permission of the Stewards.
- c) Horses may be scratched out of stake races not later than 45 minutes before post time of the race.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. _____, effective April 4, 2011, for a maximum of 150 days)